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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,813	10/06/2004	Patryk CHARYDCZAK	LHUD-00601-UUS	5812

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EXAMINER	
OKEKE, ONYEDIKA C	
ART UNIT	PAPER NUMBER
2425	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/711,813	CHARYDCZAK ET AL.	
	Examiner	Art Unit	
	DIKA OKEKE	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/06/2004, 04/03/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-22 in the reply filed on December 18, 2008 is acknowledged. The traversal is on the ground(s) that all claims as amended include the limitation of a memory card and that the non-elected claims 23-25 are numerically small, and thus should not constitute an undue burden to the Examiner. This is not found persuasive because the amendments to claims 23-25 makes them a process of using a product which is a condition for a restriction. This process can be practiced without the memory card of claim 1. Further, tying a ***method of rental*** to the memory card of claim 1 still does not overcome the bases for a restriction; nether does arguing that 3 additional claims does not present a burden to the Examiner, because it is only 3 claims.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 23-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/18/2008.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryiuchi Iwamura (US Patent Application Publication No. 2003/0059047), referred herein as 'Iwamura'.

Regarding claim 1, Iwamura teaches a memory card (smart card 160) for a digital television decoder (STB 130) comprising an interface for communication with a decoder (POD module 150); a conditional access circuit (*conditional access point of deployment*); a memory block (paragraph 64) ; and a controller (*processor*) for controlling a transfer of data between the conditional access circuit and the memory block and for controlling a flow of data directly between the memory block and the interface for communication with the decoder (figures 1-3, set top box 130, POD card 150, smart card 160, CPU 250, 270; paragraphs 7, 9, 20 and 51). Official notice is taken to the fact that there exists separate memory blocks in a standard memory unit. It is noted to have separate memory area or blocks in a memory card to record video or audio or data separately.

Regarding claim 5, Iwamura teaches the card according to claim 1, wherein data, stored on the separate data memory area are related to a program application for the digital television decoder (paragraphs 14, 17, 18 and 46; *it is known that an electronic programming guides contain data that are related to a program or video transmitted by the STB*).

Regarding claim 6, Iwamura teaches the card according to claim 1, wherein data stored on the separate data memory area are related to audio/video data (paragraphs 45-46 and 53; *it is known that an EPG contain data that are related to an A/V stream*). The audio/video content in conjunction with the EPG is saved in the PC or smart card's memory.

Regarding claim 7, Iwamura teaches the card according to claim 1, wherein data recorded on the separate data memory area are related to audio data (paragraphs 45-46 and 53; *it is known that an EPG contains data that is related to an audio steam*). The audio data in conjunction with an EPG is saved in the PC or smart card's memory.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2-4, 8-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura (US Patent Application Publication No. 2003/0059047), in view of Yuko Tsusaka (US Patent No. 7,177,857), referred herein as 'Tsusaka'.

Regarding claim 2, Iwamura teaches the card according to claim 1, wherein data can be stored in the memory.

However, Iwamura does not teach data in the memory block are stored in form of files wherein a header of each of the files contains fields, which identify the file and define conditions for replay of the file.

Tsusaka teaches a system of distributing files (video or audio) comprising storage units which store the content and other management data (*like replay conditions*) associated with the content, in headers which identify the content file and the replay conditions (figures 3-5, content storage unit 11, management data storage 132, header info 24, management data 27; column 8, lines 31-36; column 10, lines 8-18, lines 27-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Iwamura and Tsusaka and make the smart card to store video as files with their replay conditions specified, for the purpose of managing the replay of the contents.

Regarding claim 3, Iwamura and Tsusaka teaches the card according to claim 2. Iwamura further teaches an internal activation code (figure 7, paragraphs 27 and 93-94; *code numbers from the STB and PC card which are compared and matched to each other*). Tsusaka further teaches wherein the field defining the conditions for replay of the file

describes an allowed number of file replays, a replay size condition (derived from the "content DataSize" indicating the size of the content which would be replayed), a time of last replay of the file (derived from the start and end time) and the number of executed replays (column 10, lines 9-18, 27-33; *it is an obvious design choice for the data structures of the distribution content to denote the number of allowed file replays and actual executed replays, since the sizes of the content files and the order and time of replaying them are already denoted*).

Regarding claim 4, Tsusaka further teaches the card according to claim 2 wherein the fields, which identify the file, describe a file identifier, a file type, extended information about the file and additional information (column 10, lines 9-18, 27-33; *totalSize, contentData Size, playtype, financialtype are all additional or extended information about the video or audio content*). Extended information about the file is similar to additional information about the file. Identification of the file is done by a file identifier, which in this case is just the file name. It is obvious that if a file is stored on a storage server or memory, there has to be a name or identifier it is stored under or as, to facilitate faster and easier referencing or retrieval.

Regarding claim 8, Iwamura teaches a method of processing data in a digital television decoder, equipped with a memory card (smart card 160), containing an interface for communication with the decoder (STB 130), a conditional access circuit (*conditional access point of deployment*) and a memory block comprising the steps of:

setting a separate data memory area in the memory block (paragraph 64). Official notice is taken to the fact that there exists separate memory blocks in a standard memory unit. It is well known to have separate memory area or blocks in a memory card to record video or audio or data separately.

However, Iwamura does not teach storing data in form of files in the data memory area, each file having a header with information identifying the file and conditions for replay of the file, checking the conditions for replay before replay of the data, and allowing to replay the data when the conditions for replay are met.

Tsusaka teaches a method of distributing a replaying files (video, audio or data) comprising storing file content and other management data (*like replay conditions*) associated with the content, in headers which identify the content file and the replay conditions (figures 3-5, header info 24, management data 27; column 8, lines 31-36; column 10, lines 8-18, 27-33). Also, Tsusaka further teaches a method whereby the system checks the replay conditions before replaying the data and replaying the data when those conditions are satisfied (figures 10-13; column 14, lines 46-61; *for the conditions of replay, for example, an actual fee must be met before replaying data*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Iwamura and Tsusaka for the purpose of managing the replay contents properly and satisfying or rather ensuring a proper distribution of media contents to consumers at a STB.

Regarding claim 9, the combination of Iwamura and Tsusaka teach the method according to claim 8, wherein at recording data it is checked if the data, which are to be recorded have specified conditions for replay and if the conditions are specified, the conditions are stored in the file header, and if the conditions are not specified, the default conditions are stored in the file header.

Regarding claim 10, Iwamura further teaches the method according to claim 8, wherein the card communicates through a PCMCIA interface of the decoder (paragraphs 9 and 55).

Regarding claim 11, the combination of Iwamura and Tsusaka teaches the method according to claim 8, wherein in case of lack of space for recording data, a list of data for removal is presented to the user, and next after the user selects specific data, they are removed from the memory and the attempt to record data is resumed. It is obvious that that if a user wants to store data on a memory card and there is no space; the options available are whether to not store, to store in part or to clean out the previously stored files.

Regarding claim 12, the combination Iwamura and Tsusaka teach the method according to claim 11, wherein when a list of data for removal is presented to the user, the data whose removal will free the required space in memory, is highlighted. It would be obvious to the ordinary artisan to highlight or notify the user which files that upon deletion would yield the required free space on the card.

Regarding claim 13, Tsusaka further teach the method, according to claim 12,

wherein the list of data presented for removal is arranged according to the number of executed replays (fig. 7; replay order, billing condition; for the replay order specifies the order of replays. It is obvious for the system to store or remember the files replayed and to present it to the user).

Claim 14 is analyzed as a method of claim 4.

Claim 15 is analyzed as a method of claim 3.

Regarding claim 16, Tsusaka further teaches the method according to claim 12, wherein before replay of data a decision is made to replay data from the beginning or from the time of last replay (figs. 11 and 12; col. 12, lines 4-22; start time, end time; *for it is well known to choose a replay location to begin replay. For example if a video is bookmarked, upon reassessing of that bookmark, the user can choose to start at the point of the bookmark or tagged pause or can start the video entirely from the beginning*).

Regarding claim 17, the combination of Iwamura and Tsusaka teach the method according to claim 14, wherein during data replay the amount of the replayed data is compared with the file replay size condition and when the size of the replayed data exceeds the file replay size condition, the number of executed file replays is increased by one. It is well known to set a counter to increment by a one (or any number) when certain conditions are met. It would be obvious to the ordinary skilled artisan to increment a counter by one when the number of actual replays exceeds the pre-determined amount of replays allowed.

Regarding claim 18, the combination of Iwamura and Tsusaka teach the method

according to claim 14, wherein after the data replay is stopped, information about the time of last replay of the file is recorded in the file header (see Tsusaka, fig. 7; col. 10, lines 29-33; start time, end time) .

Claim 20 is analyzed as a method of claim 5.

Claim 21 is analyzed as a method of claim 6.

Claim 22 is analyzed as a method of claim 7.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura (US PG Pub No. 2003/0059047) in view of Tsusaka (US Patent No. 7,177,857) and further in view of Vogel (US Patent No. 4930158), referred herein as 'Vogel'.

Regarding claim 19, note the discussion on claim 3. The combination of Iwamura and Tsusaka teach the method, according to claim 14, wherein there exists an external activation code that upon entry is matched to an internal activation code to allow for access or replay of files (see Iwamura, para. 93 and 94).

However, they fail to teach modifying the allowed number of file replays after entering the external activation code matching the internal activation code. Vogel teaches allowing access to restricted video for replay, only after an external PIN number matching the number stored in the NV memory has been entered (fig. 4; col. 2, lines 13-18; col. 4, lines 32-39; *for an override routine to modify the number of replays and allow for more replays can be input*). It would be obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Iwamura, Tsusaka with that of Vogel for the purpose of user convenience and for allowing an extended access to

replay files.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Hirota et al (US Patent No. 6,606,707) teaches a list of deletion of files from a memory card (figs. 14A-D).

11. Swenson et al (US Patent No. 6,064,380) teaches a method of saving files in bookmarks with a reminder of the saved position (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dika Okeke whose telephone number is (571)270-5367. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. to 7:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dika Okeke/

Examiner, Art Unit 2425

March 16, 2009.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425